

**Vol. 16**

**April 20, 1999**

**No. 15**

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**WEEK IN REVIEW - APRIL 12-16, 1999**

## HOUSE FLOOR

The House of Representatives approved and sent to the Senate, Joint Resolution **H.3809** which proposes to amend the SC Constitution relating to the assessment ratio on "all other personal property" so as to create a separate class of property tax classification consisting of personal motor vehicles which must be titled by a state or federal agency excluding units of manufactured housing and commercially operated aircraft and including passenger motor vehicles, recreational vehicles, pickup trucks, trailers, motorcycles, boats, and private aircraft which must be assessed for property tax at the rate of 9.75% of fair market value beginning in 2002, declining in equal annual reductions over six years to a permanent rate of 6.0% for 2007 and beyond. This proposed amendment would appear on the ballot in November 2000.

The House also gave third reading to a related piece of legislation, Joint Resolution **H.3815**. This resolution requires that the Constitutional Ballot Commission provide an explanation for the amendment proposed in **H.3809**. **H.3815** requires that the explanation must read substantially as follows: *"Motor vehicles, pickup trucks, motorcycles, boats, boat motors, and private planes are valued for property tax purposes at ten and one-half percent of fair market value. The amendment would reduce that ten and one-half percent to six percent over six years. If local governments do not increase millage rates, the amendment would reduce property taxes by forty-three percent over six years on motor vehicles, pickup trucks, motorcycles, boats, boat motors, and private planes."*

The House amended, approved and sent to the Senate **H.3807** which revises the Bingo Tax Act so as to prohibit the use of electronic gaming equipment of any type in bingo game sessions. The bill also provides that, when an organization with a Class C bingo license offers bingo sessions for senior citizens, the sessions must occur between eleven o'clock a.m. and eleven o'clock p.m.

The House amended, approved and sent to the Senate **H.3482** which pertains to the use of hospitality tax revenues by local governments. Current law provides that local hospitality tax revenues must be used exclusively for certain purposes. One of these purposes is "cultural, recreational, or historic facilities." As amended the bill provides that these cultural, recreational, or historic facilities may be funded with local accommodations tax revenues only if the facilities are tourism-related.

The House amended, approved and sent to the Senate **H.3547**, which pertains to bad checks. The bill increases from \$25.00 to \$30.00 the service charge relating to collection and prosecution procedures for checks drawn with insufficient funds on deposit. The House amended the bill by providing that the collection and prosecution mechanisms for bad checks apply to a check given in full or partial payment of any preexisting debt.

The House appointed a Committee of Conference to reconcile differences with the Senate on **H.3188** which revises speed limits on the state's roads.

The House amended **S.36** and returned the bill to the Senate. This bill requires a person serving in an office elected by the General Assembly, who is not seeking re-election, to give written notice of his or her decision not to seek re-election to the joint committee for the review of candidates. Under this bill, the notice must be given at least thirty days before the last date for filing for that office. If the notice is given less than thirty days before the last date for filing for that office, the bill allows the joint committee to reopen or extend the time period for filing for that office. In an amendment, the House eliminated a provision of the bill making the notice of intent not to seek re-election irrevocable.

The House approved and sent to the Senate H.3500. As amended, the bill provides that a member of a municipal or county election commission is not eligible for reappointment once removed by the Governor for a period of eight years.

The House approved and sent to the Senate H.3829 which provides that the members of the GLEAMNS Human Resources Commission be appointed by the governing bodies of the seven counties represented in the commission.

## SENATE FLOOR

### TUESDAY APRIL 13, 1999

Senators Bryan, Ravenel, and Hutto were appointed to the Committee of Conference for H.3188, a bill relating to maximum speed limits on interstate highways and other roads. On Wednesday, April 14, Senator Peeler was appointed in lieu of Senator Bryan to the Committee of Conference.

S.700, a Senate Resolution that amends Rule 19 relating to the selection of Senate Standing and Special Committees, was amended and adopted. S.700 provides procedures for committee selections after special elections. Due to the recent special election of Senator Bauer, the Senate proceeded to the selection of committees.

H.3276, a bill pertaining to municipal charges to telecommunications providers, was made a special order.

The Senate continued debate on H.3002, a bill enacting "The Gambling Cruise Prohibition Act." Debate on this bill was interrupted by adjournment with Senator Martin retaining the floor.

### WEDNESDAY APRIL 14, 1999

The following bills were read for the third time and ordered sent to the House:

- S.37, a bill pertaining to the disposal of personal property belonging to a residential tenant who has been evicted from the premises
- S.87, a bill authorizing service of The Rule to Show Cause in an ejectment proceeding by "posting"
- S.418, a bill relating to subscriber charges for E-911 services

The Senate resumed its interrupted debate on H.3002 with the question being the adoption of Amendment No. P-1. This proposed amendment provides, among other things, for a statewide referendum to be conducted at the time of the general election in the year 2000 to ascertain whether or not video game payouts will continue to be allowed in South Carolina. Debate was interrupted by adjournment with Senator Hayes retaining the floor.

### THURSDAY APRIL 15, 1999

A Sense of the Senate motion was adopted whereby (1) the clock above the Desk in the Senate Rostrum is the official clock of the Senate, (2) the clock is to be maintained by the Clerk of the Senate, and (3) the time shown thereon is the official time for all purposes of the Senate's actions and proceedings.

The following bills were read for the third time and ordered sent to the House:

- **S.706**, a bill extending the effective date of the repeal of various state and local provisions of law pertaining to planning and zoning by local governmental entities under the Local Government Comprehensive Planning Enabling Act of 1994
- **S.708**, a bill amending several code sections relating to offenses against the person
- **S.659**, a bill enacting the "Tobacco Escrow Fund Act"
- **S.353**, a bill 1) recognizing the Chicora-Waccamaw Indian Tribe and the Pee-Dee Indian Tribe as Indian Tribes of South Carolina, and 2) conferring upon the Tribes such rights and privileges as are provided by law to Indian Tribes of this State

**S.585**, a bill pertaining to assessments imposed on convictions in general sessions, municipal, and magistrate's court, was amended, read for the third time and ordered sent to the House.

**S.597**, a bill relating driver's licenses, was read for the second time with notice of general amendments.

The Senate resumed its interrupted debate on **H.3002**. In the afternoon, the Senate invoked Rule 3B authorizing the Sergeant-At-Arms to send for any absent members who had not been granted leave. When Rule 3B is invoked, the outer doors of the antechamber are secured and any member within the confines of the chamber and the antechamber is counted for the purpose of determining a quorum.

During the debate on **H.3002**, the Senate adopted a motion providing that there would be no amendments to the 1999-2000 General Appropriation Bill which raise or expend video poker revenues except for the license fees revenues currently collected pursuant to the provisions of *South Carolina Code of Laws* §12-21-2720.

On motion of Senator Moore, with unanimous consent, **H.3002** is to be given second reading with notice of general amendments and Senator Ryberg retaining the floor, on Tuesday, April 27, 1999 carrying over all amendments. On Wednesday, April 28, 1999, **H.3002** will be in the status of interrupted debate with all Senators reserving their rights as to any motions and filibusters.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources & Environmental Affairs met on Tuesday April, 13, 1999 and considered the following bills:

**H.3617** was voted favorable with amendments. This bill rewrites, revises, and amends the laws governing commercial and recreational saltwater fishing. Inadequate, ambiguous, or unenforceable laws are rewritten or eliminated. Provisions that apply only to certain

geographical areas are removed. DNR retains jurisdiction over fishing in saltwater and over anadromous resources in freshwater. Matters that DNR must consider in promulgating regulations are expanded. Resident and non-resident individual commercial fisherman licenses and fees are instituted. These licenses allow a fisherman to sell what he catches. Additional changes are proposed dealing with shellfish, anadromous fisheries, recreational harvesting, seafood and market, fishing equipment, and vessels. Violations and penalties are also modified.

The Committee amended **H.3617** to allow recreational fisherman using property marked personal traps to crab during the night. The bill as introduced set a 10 fish limit on catches of American and hickory shad in any one day. The amendment increased the limit to 20 shad daily. The amendment makes other technical changes to the bill.

**H.3591** was voted favorable with amendments. This bill provides for a three-year pilot program in all game zones of the state so as to shorten the hunting season for raccoon to a period from Thanksgiving Day through March 1. During this period hunters may use weapons and dogs to hunt raccoons. After this period, an individual may hunt raccoons with dogs only. Penalties are established for failure to comply.

The bill was amended, changing the season dates for hunting raccoons to October 1 through March 15 with weapons and dogs, and March 16 through September 30 without weapons and dogs. All fines collected for violations of the bill are to be forwarded to the appropriate county game fund in the county where the violation occurred.

**S.27** was voted favorable with amendment. This bill makes it illegal to give away a live animal as a prize in a contest or game or as an inducement to enter a place of amusement. The bill allows auctioning and raffling of live animals.

**S.21** was voted favorable with amendments. This bill changes various penalties and allows for certain first offense violators of ill treatment of animals to be tried in municipal court. The bill also makes second offense of ill-treatment a felony punishable by up to 5 years in prison or a \$5,000 fine, or both. The amendment to **S.21** allows ill treatment to animals to remain a misdemeanor, but increases the penalty and prison sentence.

## EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee gave a favorable recommendation to **H.3131**. This bill enacts the S.C. Campus Sexual Assault Information Act, which requires institutions of higher learning in this State to establish and implement a written campus sexual assault policy, and to distribute that policy to students, faculty, and staff of the institution. The bill specifies areas which must be addressed in the policy, including education programs to promote prevention and awareness of sexual assault, possible sanctions following an institution's disciplinary procedure in the event of sexual assault, and procedures a student follows if a sexual assault occurs.

The full committee gave a favorable recommendation to **S.412**. This joint resolution requests that the SC Department of Transportation (SCDOT) name a certain bridge in Florence, South Carolina, in honor of Dr. Martin Luther King, Jr., and requests that SCDOT erect, within a specified time, signs and markers that are approved by the Florence County Legislative Delegation.

The full committee adjourned debate on H.3220, which provides that a handicapped parking space may be used by a person authorized to use a handicapped placard, with the exception of numbered spaces reserved for use by only one person.

## **"FIRST STEPS" LEGISLATION**

### **The Original Bill:**

The full Education and Public Works Committee gave a favorable recommendation with amendments to H.3620. This bill, as introduced, establishes South Carolina First Steps to School Readiness, a statewide initiative which provides early childhood development and education services to ensure that all children arrive at school ready to learn. These services would include, but not be limited to: increasing prenatal and maternity care; providing parents with support that will strengthen families and promote development of their preschool children; promoting high quality preschool programs; and mobilizing communities to improve services which will enable every child to reach school healthy and ready to learn.

The bill establishes the "Children's First Steps Trust Fund" to provide oversight for the First Steps initiative. This fund would be administered by a board chaired by the Governor and composed of fifteen gubernatorial appointees and seven *ex officio*, non-voting members representing specified state agencies.

The director for the office of the First Steps initiative would be hired by the Governor. The bill outlines responsibilities for the staff; outlines eligibility requirements for local communities who wish to become a "First Steps Partnership;" delineates three levels of grants which may be awarded, and authorizes the board to establish qualifying criteria and the amount to be allocated for each grant level. The bill requires that grant allocations consider the quality of the grant proposal, the population of children birth to age five in the area served by the partnership, the percentage of students in grades one through three who are eligible for the free and reduced price lunch program, and the area's ability to support the initiative.

The bill specifies that no more than twelve Level Three (implementation/management) grants may be awarded the first year of the initiative, and the bill provides a procedure to be used and information to be provided by grant applicants at all levels. The bill provides a maximum duration for grants and provides for grant renewal under certain conditions. The bill provides that grant funds may be used for capital expenditures, but only under specified conditions. The board must determine annually what percentage of the total funds may be used for these purposes. The bill provides that local partnerships and developing partnerships must provide an annual statewide aggregate match, as established by the board after consulting with business and foundation leadership, and the board must consider specified factors in establishing the match required of individual partnerships.

### **The full Education and Public Works Committee's recommended amendments to H.3620 include:**

- Moving the program's statewide oversight and administration responsibilities from the Governor's Office to the State Department of Education, with the State Superintendent of Education, rather than the Governor, serving as Chair of the SC First Steps to School Readiness Board ("the Board").
- Providing that eighteen members of the Board, representing specified areas of knowledge and expertise, will be appointed (six each) by the Governor, the President *Pro Tempore* of the Senate, and the Speaker of the House, and the remaining eleven

members of the Board will be non-voting, *ex-officio* members representing specified state agencies, associations, and committees.

- Authorizing each county's legislative delegation to collaborate with the Office of First Steps on creation of a *county* First Steps governing/oversight board, whose prescribed membership includes, but is not limited to, eight members appointed by the county legislative delegation. These county boards will oversee the initiative at the local level and will report to the statewide First Steps Board.
- Eliminating the limit to the number of projects which may be funded the first year.
- Creating the Human Services Facility Consolidation Board to assist state and local human service agencies with the funding and financing of capital projects when proposed projects provide for the consolidation or co-location of several different agencies. This Board would make recommendations to the Joint Bond Review Committee and to the State Budget and Control Board concerning capital project proposals which offer the greatest benefit to the public for ease of accessibility, convenience, and efficiency of service delivery and administration. The Education and Public Works Committee amendments also include a provision that capital projects for the First Steps initiative may only be funded through this Board.
- Repealing the provisions of the bill in six years unless reauthorized by the General Assembly.

## JUDICIARY

The full Judiciary Committee did not meet this week.

## LABOR, COMMERCE AND INDUSTRY

The House Labor, Commerce and Industry Committee met on Tuesday, April 13, and reported out several bills. The Committee gave a favorable report to **H.3581** which authorizes the State Board of Financial Institutions to issue operational instructions allowing state-chartered banks, savings and loan associations, credit unions, and licensed financial companies to engage in certain activities. The operational instructions may permit state-chartered banks to engage in any activity authorized for national banks or any activity authorized for state-chartered savings and loan associations. The operational instructions may permit state-chartered savings and loan associations to engage in any activity authorized for federally-chartered savings and loan associations, or any activity authorized for state-chartered banks. Cooperative credit unions may be permitted to engage in any activity authorized for federally-chartered credit unions. Additionally, licensed consumer finance companies may be permitted to engage in any lending activity authorized for supervised financial organizations, except where such activities are otherwise restricted by statute. The legislation confers the authority to issue such operational instructions to the State Board of Financial Institutions as a means of providing parity among state-chartered and federally-chartered institutions.

The Committee reported favorably on **H.3715** which provides for various revisions to the statutes pertaining to South Carolina Building Codes Enforcement Officers. Current law provides that Codes Enforcement Officers must receive a one-year provisional registration upon initial employment by a local government. The bill changes the duration of this provisional registration from one year to the time period which the Building Codes Council establishes for each registration class through regulation. Additionally, the bill eliminates

references to a list of specific building code standards found throughout the statutes, and replaces these specific references with general references to building codes standards promulgated, published, or made available by the Southern Building Code Congress International, Incorporated. The general references are substituted to allow for a smooth transition should the Southern Building Code Congress replace regional standards with an International Building Code. The legislation also changes the due date by which the Department of Labor, Licensing and Regulation's must report on how funds have been expended on training, certification, and continuing education programs for building codes enforcement officers. The due date is changed from January 15 to July 15 so as to coincide with the fiscal year.

The Committee gave a favorable report to **H.3716** which provides for various revisions to the Modular Buildings Act. The bill eliminates references to a list of specific building code standards found throughout the statutes, and replaces these specific references with general references to building codes standards promulgated, published, or made available by the Southern Building Code Congress International, Incorporated. The general references are substituted to allow for a smooth transition should the Southern Building Code Congress replace regional standards with an International Building Code. The bill eliminates the Modular Buildings Board of Appeals, which has met only once during the past fifteen years, and reassigns its authority and responsibilities to the State Building Codes Council. Under current law, if a modular building unit manufacturer fails to comply with a corrective order relating to the structure of its building units, the labels of certification must be removed. Under the legislation, a failure to comply would prohibit any new labels from being issued to a manufacturer until the units are brought into compliance. The bill replaces annual renewal of licenses for wholesale or retail manufactured homes sales with biennial renewal. The bill also eliminates certain obsolete language.

The committee gave a report of favorable with amendment to **H.3798** which makes revisions pertaining to General and Mechanical Contractors. The bill revises the way in which a Group 3 and 4 General and Mechanical Contractors may satisfy the financial statement requirement in renewing his license. Current law requires a financial statement compiled by a licensed certified public accountant or licensed public accountant to be submitted for initial licensure and renewal of a license. Under the bill, the financial statement compiled by a licensed certified public accountant or licensed public accountant must still be submitted for initial licensure, but an owner-prepared financial statement with an affidavit of accuracy is to be submitted for the renewal of a license. The amendment approved by the Committee provides that the State and its political subdivisions may do work up to the amount allowed for Group 3 General Contractors and Group 4 Mechanical Contractors without having to comply with the provisions relating to the licensure of general and mechanical contractors. The amendment also eliminates a requirement that the State and its political subdivisions employ a qualified party in the appropriate classification. The proposed amendment also provides an exemption for the Department of Corrections for projects in which all labor is drawn from the department's own labor forces.

The Committee also gave a report of favorable with amendment to **H.3811** which grants counties and municipalities an extension on the time in which they must comply with new provisions related to zoning and planning authority imposed under the South Carolina Comprehensive Planning Enabling Act of 1994. Under the 1994 Act, local governments must be in compliance by May 3, 1999. The amendment proposed for the bill would extend that deadline to December 31, 2000. As introduced, the bill provided for a December 31, 1999, deadline.



The Committee tabled **H.3728** which specifies that local land use and zoning requirements, fire zones, building setback requirements, site development requirements, subdivision control, and on-site installation requirements, as well as the review and regulation of aesthetic requirements, are specifically and entirely reserved to local authorities with regard to the location, erection, and installation of modular building units.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full Medical, Military, and Public and Municipal Affairs Committee did not meet this week.

## **WAYS AND MEANS**

The full Ways and Means Committee did not meet this week.

# **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

## **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

### **H.3906 ACCIDENT REPORTS FILED WITH SC DEPARTMENT OF NATURAL RESOURCES Rep. Whatley**

This bill amends current statutory provisions regarding accident reports filed with the SC Department of Natural Resources (the department). The bill provides that no department employee may allow a person to examine or obtain a copy of any report when the employee knows or should know that the request for access to the report is for commercial solicitation purposes. The bill requires that all persons except law enforcement personnel, department personnel, and persons named in the report, must submit a written request before a report may be released, and information in this request must include the intended use of the report. The bill provides penalties for a person who knowingly makes a false statement in such a report.

### **H.3909 TAKING OF LARGE-MOUTH BASS IN LAKE ROBINSON Rep. Lucas**

This bill repeals the section of the SC Code which provides that it is unlawful to take or possess large-mouth bass less than twelve inches in length in Lake Robinson located in Chesterfield and Darlington Counties.

### **H.3912 NO WAKE ZONES ON CERTAIN AREAS ON HILTON HEAD ISLAND Rep. Gilham**

This bill amends *South Carolina Code of Laws* §50-21-136, relating to no wake zones on certain creeks and coves on Hilton Head Island and on the New River in Beaufort County, so as to correct a directional reference.

### **H.3921 SMOKING IN THE STATE HOUSE, BLATT AND GRESSETTE BUILDINGS Rep. Howard**

This bill prohibits smoking in the State House, the Blatt Building, and the Gressette Building.

### **H.3925 REVISIONS TO THE SAFE DRINKING WATER ACT Rep. Sharpe**

This bill revises as well as adds new definitions to the Safe Drinking Water Act. The bill changes references from "water supplies" to "water systems." This bill revises various public water system construction permit requirements, including revising the water systems classifications, to conform references and terms to the revised definitions. This bill revises an exemption relating to recreational activities in reservoirs. The bill clarifies the penalty for continuous public water system violations. The bill deletes the provision that annual water system fees must be established annually in the General Appropriations Act, and the bill provides that these fees must be established in regulation.

**H.3926 MAXIMUM HEIGHT REQUIREMENTS FOR LANDFILLS Rep. Sharpe**

This bill limits new solid waste landfills to a height no greater than sixty feet above the average natural topographic elevation on the property on which the landfill is situated.

**H.3927 SOLID WASTE MANAGEMENT Rep. Sharpe**

This bill makes various revisions to statutes pertaining to solid waste management. The bill revises various definitions used in the Solid Waste Policy and Management Act of 1991. The bill revises goals for solid waste reduction, so as to provide it is the goal of the State to reduce, on a statewide per capita basis, the amount of municipal solid waste being generated to 3.5 pounds per day no later than June 30, 2005. The bill also sets as a goal to recycle, on a statewide basis, at least twenty-five percent, calculated by weight, of the municipal solid waste stream generated in this state no later than June 30, 2005. Under the bill, it is the goal of the State to continue setting new, more stringent, solid waste recycling and waste reduction goals after June 30, 2005. The bill establishes a mechanism for obtaining data on and evaluating the success of municipal solid waste reduction and recycling programs. The bill eliminates a provision which imposes a ten dollar fee on each ton of out-of-state solid waste deposited in this state. The bill revises the responsibilities of the Office of Solid Waste Reduction and Recycling so as to provide that the office shall: promote and assist in the development of household hazardous waste materials management programs; no longer be responsible for conducting at least one workshop each year in each region served by a council of governments; establish and implement recycling education grants to school districts, public and private schools, and public and private colleges and universities to establish waste reduction and recycling education programs. The bill provides the education grants for solid waste and recycling programs are to receive funding from the Solid Waste Management Trust Fund. The bill provides for grant assistance to be given to local governments which are in need of assistance in carrying out solid waste management requirements. The bill provides that by September 15 of each year, each state agency and state-supported institution of higher learning must submit a report detailing its source separation and recycling program and reviewing all goods and products purchased during the preceding fiscal year containing recycled materials. The bill provides that no person shall knowingly dispose of used oil filters in a landfill unless the filter has been crushed to the smallest practical volume possible, as prescribed by regulation. The bill provides that counties may charge a tipping fee of up to \$1.50 for each waste tire manufactured in this State or up to \$150 per ton for waste tires manufactured in this State for which no fee has been paid otherwise. The bill revises where waste tires may be lawfully disposed. The bill provides for a refund in cases where waste tires generated in this state, on which a fee has been paid, are delivered to a waste tire facility located outside the state. The bill revises the way in which grant money from the Waste Tire Trust Fund may be used by counties. Under the legislation, such grant funds may no longer be utilized for constructing or operating a Tire Derived Fuel burning facility. Such grant funds may be used for the purchase or use of recycled products or materials made from waste tires generated in this State. The bill revises the composition and terms of service for the committee which awards the Waste Tire Trust Fund grants. The bill revises requirements pertaining to the construction of new or expansion of existing solid waste management facilities, and requires

public notice of the submittal of a site hydrogeologic characterization report for a new municipal solid waste landfill or for expansion of such a facility.

## JUDICIARY

### **H.3922 "PARENTAL RIGHTS AND RESPONSIBILITIES ACT" Rep. Davenport**

This bill establishes the rights of parents to direct the upbringing of their children, and the bill prohibits the State from interfering in this right. Under this bill, a parent may raise a violation of the "Parental Rights and Responsibilities Act" in an action in a court as a claim or defense. A parent who prevails in an action brought or defended under this "Act" is entitled to court costs and attorney's fees. This bill does not apply to (1) domestic relations cases concerning parental rights between parents in custody disputes, or (2) any other dispute between parents.

### **H.3923 SUBSTITUTION OF A CANDIDATE FOR A LEGITIMATE NONPOLITICAL REASON Rep. Gilham**

A candidate who wishes to withdraw for a legitimate nonpolitical reason is required to submit his or her reason by sworn affidavit. This bill requires a candidate who withdraws for a legitimate nonpolitical reason to present certifiable proof or evidence to the appropriate election commission to substantiate the affidavit. In order for the election commission to grant the substitution of the candidate, the bill requires that the submitted evidence must be clear and convincing.

### **H.3931 PENALTY FOR A FIRST OFFENSE OF UNLAWFULLY PASSING A STOPPED SCHOOL BUS Rep. Harrison**

Currently, the penalty for a first offense of unlawfully passing a stopped school bus is a fine of not less than \$500.00 or imprisonment for not more than thirty days. This bill revises the penalty for a first offense of unlawfully passing a stopped school bus to a fine of not more than \$500.00, or imprisonment for not more than thirty days, or both.

### **H.3937 PREPARATION OF CIRCUIT COURT JURY LISTS Rep. D. Smith**

This bill deletes provisions from the *South Carolina Code of Laws* §14-7-130 that allows the preparation of circuit court jury lists from a tape of those persons holding a valid driver's license or identification card.

### **S.37 DISPOSAL OF PERSONAL PROPERTY AFTER THE EJECTMENT OF TENANTS Sen. Hayes**

If premises are located in a municipality or county that does not collect trash or debris from the public highways, after a period of forty-eight hours this bill authorizes a landlord to remove the personal property of an evicted tenant from the premises. The bill requires the landlord to dispose of the ejected tenant's personal property in the same manner that trash or debris is normally disposed of in such municipalities or counties.

### **S.87 SERVICE OF RULE TO SHOW CAUSE IN EJECTMENT PROCEEDINGS Sen. Thomas**

This bill authorizes service of a Rule to Show Cause in an ejectment proceeding by "posting" after three prior attempts to serve the Rule have been unsuccessful. "Posting" means a copy of the Rule may be served by affixing both it and documentation of the three attempts to the most conspicuous part of the premises and mailing a copy of the Rule in a manner prescribed by the bill.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.3908 MANUFACTURED HOUSING Rep. Bailey**

This bill conforms laws which provide for uniform standards for manufactured housing to the statutory organizational framework established for professions and occupations administered under the Department of Labor, Licensing and Regulation. The bill also provides for the licensure and regulation of manufactured home manufacturers, retail dealers, sales persons, contractors, installers, and repairers.

### **H.3914 CANCELLATION OF INSURANCE CONTRACTS Rep. Cato**

Under current law, whenever an insurance contract is canceled, the insurer is required to return whatever gross unearned premiums are due under the insurance contract to the premium service company which financed the premium for the account of the insured. The bill provides that the amount returned must be computed pro-rata. The bill also provides that, in the event a premium is subject to an audit to determine the final premium amount, the gross unearned premium must be calculated upon the deposit premium, and the insurer shall return to the premium service company, for the account of the insured, the gross unearned premium based upon the deposit premium amount.

### **H.3928 HEALTH MAINTENANCE ORGANIZATIONS Rep. Cato**

This bill provides that the powers of a health maintenance organization includes the offering of an out-of-network coverage under a point of service option. The bill authorizes the Director of the Department of Insurance to promulgate regulations for implementing this provision. The bill also revises requirements on the evidence of coverage which health maintenance organizations must provide enrollees, so as to provide that, for a point of service option offered jointly by a health maintenance organization and an insurer, only one evidence of coverage is required, as long as the benefits provided by each party are clearly identified in the information provided.

### **H.3929 WORKERS' COMPENSATION SECOND INJURY FUND Rep. Cato**

This bill provides for the way in which self-insureds and insurers participate in the Second Injury Fund under South Carolina's workers' compensation system. The bill provides that the aggregate amount allocated to self-insureds and the State Accident Fund is the proportion of gross paid losses before salvage and subrogation to the gross paid losses before salvage and subrogation of all carriers during the preceding calendar year. Each self-insured and the State Accident Fund shall make payment in the proportion of gross paid losses before salvage and subrogation to the total gross paid losses before salvage and subrogation paid by all self-insureds and the State Accident Fund during the preceding calendar year. The aggregate amount allocated to insurance carriers is the proportion of gross paid losses before salvage and subrogation of all carriers during the preceding calendar year. Each insurance carrier shall make payment based upon written workers' compensation premiums during the preceding calendar year. To charge to each insurance carrier is a charge based upon premium.

### **S.418 EMERGENCY 911 SERVICES Sen. Bryan**

This bill makes various revisions to the laws which place charges on commercial mobile radio services and devotes those funds to enhancing emergency communications services. The bill provides that the levy placed on consumer mobile radio service connections is set at the average monthly telephone 911 charges paid in South Carolina. Current law provides that the levy must not exceed that monthly average. The bill revises the responsibilities of the Consumer Mobile Radio Service Emergency Telephone Advisory Committee and removes the provision which would terminate the committee on August 1, 2001.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

### **H.3930 NITROUS OXIDE MONITORING Rep. J. Brown**

This bill provides that a dental hygienist or an expanded duty dental assistant is allowed, under specified conditions, to monitor nitrous oxide "inhalation conscious sedation (dental anesthesia)." Current law provides that these persons may, under specified conditions, monitor nitrous oxide "anesthesia."

## **WAYS AND MEANS**

### **H.3911 SALES AND USE TAX EXEMPTIONS Rep. Robinson**

This bill provides a phased-in exemption from sales tax on food items eligible for purchase with US Department of Agriculture food coupons, not including restaurant meals. The bill provides that the sales tax on these food items will be 4% from January 1, 2000-December 31, 2000; 3% from January 1, 2001-December 31, 2001; 2% from January 1, 2002-December 31, 2002; and 1% from January 1, 2003-December 31, 2003. The bill requires that for fiscal years 1999-00 through 2003-04, general fund revenues must be credited to the EIA fund in amounts sufficient to ensure that EIA revenues attributable to food sales are not less than such revenues in fiscal year 1998-99. The bill requires that 80% of the revenues from these sales taxes must be credited to the state general fund and used as sales taxes are used, and the remainder must be credited to the Education Improvement Act Fund. The bill also provides that, except where otherwise exempt, the local sales and use taxes authorized by law continue to apply to those sales subject to the reduced state rate of tax provided in this bill.

### **H.3913 SALES TAX EXEMPTIONS Rep. Cato**

This bill provides that, for purposes of the SC Sales and Use Tax Act, "storage" and "use" do not include the keeping, retaining, or exercising of any right or power over tangible personal property for the purpose of being distributed as "cooperative direct mail promotional advertising materials" (as defined in the bill) by means of interstate carrier, a mailing house, or a US Post Office to residents of this State from locations both inside and outside the State.

### **H.3938 CREDITED SERVICE FOR JUDGES' AND SOLICITORS' RETIREMENT Rep. D. Smith**

This bill conforms the vesting requirements for transferring credited service to the SC Retirement System for a judge or solicitor who on termination does not qualify for a benefit under the judicial system from twelve years to the current requirement for vesting under the judicial retirement system of ten years for judges and eight years for solicitors. The bill also allows a retiree under the Retirement System for Judges and Solicitors to receive retirement benefits while employed as an attorney by an employer covered by the SC Retirement System or SC Police Officers Retirement System and requires membership in the applicable system unless the retiree elects not to participate in that system. The bill also provides that in the case of solicitors, any credited service rather than only active service in excess of twenty-four years must be included for purposes of calculating additional retirement benefits.

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**SPECIAL NOTE:** A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1999-2000. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.